

REMARKS

In the outstanding Office Action, the Examiner rejected claims 10-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,609 to Downs et al. (“Downs”) in view of U.S. Patent No. 6,421,779 to Kuroda et al. (“Kuroda”) and further in view of U.S. Patent No. 6,594,758 to Okui (“Okui”)¹. By this amendment, Applicants propose amending claims 10-12. Claims 10-12 remain pending in this application.

Applicants respectfully traverse the rejection of claims 10-12 under 35 U.S.C. § 103(a), at least because a *prima facie* case of obviousness has not been established.

Claim 10, for example, recites an information processing device including at least “means ... for encrypting the first key with [a] temporary key,” wherein the “temporary key [is] shared with the decoding means.” Downs fails to teach or suggest at least this structure.

At page 3 of the Office Action, the Examiner concedes: “Down does not disclose the first key is encrypted with a temporary key.” To attempt to cure this deficiency, the Examiner cites Okui, stating: “Okui teaches: ‘a temporary key is updated periodically to maintain confidentiality of the broadcasting information.’” Office Action, page 3. In the “Description of Related Art” section, Okui discloses:

... a temporary key is used for transmitting broadcasting information to users, and a unique user key is used for each receiving terminal. The temporary key is updated periodically to maintain confidentiality of the broadcasting information. The user key is used when the temporary key is initialized in starting up the receiving terminal of the temporary key is modified. Okui, col. 1, lines 51-57.

Okui thus only discloses transmitting a temporary key to a user, and using a user key, wherein the temporary key is updated. Okui does not provide any disclosure to suggest that the temporary key is used to encrypt a first key, nor does Okui provide any disclosure or suggestion of decoding, or that the temporary key is shared with any decoding means. Accordingly, Okui also fails to disclose the claimed “means ... for encrypting the first key with [a] temporary key,” wherein the “temporary key [is] shared with the decoding means,” as recited in claim 10.

In addition, the temporary key disclosed in Okui “is used for transmitting broadcasting information to users.” Okui, col. 1, lines 51-52. That is, the temporary key is shared between two different devices, the sending device and a receiving terminals. However, claim 10 recites an information processing device including “a first storage means for storing an encrypted first key encrypted by a second key shared with another device and a decoding means ... a temporary key shared with the decoding means.” The recited “temporary key” is shared between the claimed “first storage means” and the claimed “decoding means,” which are both components of the same “information processing device.” Claim 10 thus also distinguishes over Okui because the claimed “temporary key” is shared between two parts of the same “information processing device,” while the temporary key of Okui is shared between different devices.

Kuroda, cited by the Examiner at page 4 of the Office Action for allegedly teaching “the second authentication means for authenticating the first storage means,” fails to cure the above-noted deficiencies of Downs and Okui. In Kuroda, a “DES process is performed on the first 64-bit block M2 in step S51 [and] the DES process is

performed again on the result using a master key.” Kuroda, col. 13, lines 41-46.

Kuroda then teaches, “a receiver of a storage certificate can decode the data using the master key.” Kuroda, however, is silent as to a “temporary key,” and thus fails to provide a teaching of “means … for encrypting the first key with [a] temporary key,” wherein the “temporary key [is] shared with the decoding means,” as recited in claim 10.

Because none of Downs, Kuroda, or Okui teach or suggest every element recited in claim 10, even if combined as suggested in the Office Action, that combination of references cannot establish a *prima facie* case of obviousness. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 10 under 35 U.S.C. § 103(a).

Claims 11-12, although of different scope, recite features similar to those recited in claim 10. Claims 11-12 are thus allowable over Downs, Kuroda, and Okui, for at least the reasons given above with respect to claim 10. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 11-12 under 35 U.S.C. § 103(a).

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 10-12 in condition for allowance. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejection and place the application in condition for allowance.

Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 1, 2006

By: 
Darrell D. Kinder, Jr.
Reg. No. 57,460